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OFFICE OF PETITIONS
DECISION ON PETITION

In re Application of :
Zhao et al. :
Application No. 10/646,962 :
Filed: August 22, 2003 :
Attorney Docket No. 9400-44 :

This is a decision on the petition under 37 CFR 1.10, filed October 21, 2003, requesting that the above-identified application be accorded a filing date of August 22, 2003, rather than the presently accorded filing date of August 25, 2003.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited on August 22, 2003, under 37 CFR 1.10 by "Express Mail Post Office to Addressee" service. In support, petitioner supplied a copy of a United States Postal Service Track & Confirm record of the shipment details of a package bearing Express Mail Label No. EV318419391US, indicating that the package was accepted on August 22, 2003, at 5:44 pm, in Raleigh, NC 27612. The same Express Mail Label Number appears on the application papers as originally filed.

Petitioner did not supply a copy of the Express Mail Label with the present petition. Nevertheless, the showing establishes, to the satisfaction of the Commissioner, that the requested filing date is the date the correspondence was deposited in "Express Mail Post Office to Addressee" service.

In view of the above, the application is **granted**. The Office of Initial Patent Examination is directed to change the filing date to August 22, 2003, and mail a corrected filing receipt to petitioner.

Telephone inquiries should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Wei Zhao et al.

Serial No.: 10/646,962

Examiner: Unassigned

Filed: August 22, 2003

Group Art Unit: Unassigned

For: METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR
DIRECTING A USER TO A WIRELESS NETWORK ACCESS POINT

RECEIVED

October 20, 2003

OCT 21 2003

Office of Patent Legal Administration
Commissioner for Patents
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OFFICE OF PETITIONS

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of **August 22, 2003** rather than **August 25, 2003** for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of **August 22, 2003** being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

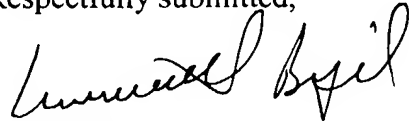
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS of 5:44 p.m. on **August 22, 2003**; and
3. A true and accurate copy of our return post card sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of **August 25, 2003** instead of the Express Mail date of **August 22, 2003**.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of **August 22, 2003** as the filing date pursuant to 37 CFR § 1.10.

In re: Glenn Mahony et al.
Serial No.: 10/606,677
Filed: June 26, 2003
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mitchell S. Bigel", written in a cursive style.

Mitchell S. Bigel
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